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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,816	03/25/2004	Thanakritt Fufuangvanich	77-2	6595
36651	7590	08/10/2005	EXAMINER	
JOEL MILLER, ESQ. 17 WESTWOOD DRIVE SOUTH WEST ORANGE, NJ 07052			REESE, DAVID C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,816

Applicant(s)

FUFUANGVANICH, THANAKRITT

Examiner

David C. Reese

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of Claims

- [1] Claims 1-15 are pending.

Claim Rejections - 35 USC § 102

- [2] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- [3] Claims 1-15 are rejected under 35 U.S.C. 102(b) as clearly anticipated by Poll US-5,343,718, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

The shape and appearance of Poll is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

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As for Claim 1, Poll teaches of a chain link or an ornamental chain (necklace), comprising:

a first plurality of links (Fig. 1), each link of the first plurality having first (5 from Fig. 1) and second hinge elements (8 from Fig. 1) that mate with other links (5, 8 from Fig. 1), the first (5 from Fig. 1) and second hinge (8 from Fig. 1) elements enabling articulation in a first plane; and

a second plurality of links (Fig. 5), each link of the second plurality having first (5 with 8') and second hinge elements (11) that mate with other links (Figs. 7A-7C), the first (Figs. 7A-7C) and second hinge elements (Figs. 6A- 6C) enabling articulation in a second plane, where the second plane is at an angle with respect to the first plane (from col. 2 beginning with line 50 through the end of column 3).

Re: Claim 2, where

the first (5) and second (8) hinge elements of the first plurality of links (Fig. 1) restrict articulation to the first plane; and

the first (5 from Fig. 5) and second (11) hinge elements of the second plurality of links (Fig. 5) restrict articulation to the second plane.

Re: Claim 3, where the first plane is vertical with respect to the first plurality of links (Fig. 1); and the second plane is horizontal with respect to the second plurality of links (col. 2, line 66, "In this embodiment the chain ,links can be swiveled relative to one another particularly in the horizontal direction").

Re: Claim 4, further comprising means for connecting the first plurality of links (Fig. 1) to the second plurality of links (Fig. 5).

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Re: Claim 5, where the means for connecting the first plurality of links (Fig. 1) to the second plurality of links (Fig. 5) comprises an interconnecting link comprising:

a first hinge element (5 into 8 as shown in Fig. 1) enables articulation in a first plane; and

a second hinge element (8' into 7' as shown in Figs. 5-7C) enables articulation in a second plane, where the second plane is at an angle with respect to the first plane.

Re: Claim 6, where

the first hinge element (5 into 8 as shown in Fig. 1) of the interconnecting link restricts articulation to the first plane; and

the second hinge element (8' into 7' as shown in Figs. 5-7C) of the interconnecting link restricts articulation to the second plane.

Re: Claim 7, where

the first plane is vertical (Fig. 1) with respect to the interconnecting link; and

the second plane is horizontal (col. 2, line 66, "In this embodiment the chain, links can be swiveled relative to one another particularly in the horizontal direction") with respect to the interconnecting link.

As for Claim 8, Poll teaches of a chain link for a necklace (Fig. 1), comprising first (5) and second (8) hinge elements that mate with other links, where the first (5) and second (8) hinge elements enable articulation of adjacent links in one plane with respect to the link.

Re: Claim 9, where the first (5) and second (8) hinge elements restrict articulation to one plane with respect to the link (Fig. 1).

Re: Claim 10, where the plane is vertical with respect to the link (Fig. 1).

Re: Claim 11, where the plane is horizontal with respect to the link (8' into 7' as shown in Figs. 5-7C, and from col. 2, line 66, "In this embodiment the chain, links can be swiveled relative to one another particularly in the horizontal direction").

As for Claim 12, Poll teaches of a chain link for connecting a first plurality of links to a second plurality of links in a necklace, comprising:

a first hinge element (5 into 8 in Fig. 1) enabling articulation in a first plane; and

a second hinge element (8' into 7' as shown in Figs. 5-7C) enabling articulation in a second plane, where the second plane is at an angle with respect to the first plane.

Re: Claim 13, where the first hinge element (5 into 8 in Fig. 1) restricts articulation to the first plane; and the second hinge element (8' into 7' as shown in Figs. 5-7C) restricts articulation to the second plane.

Re: Claim 14, where the first plane is vertical with respect to the interconnecting link (5 into 8 in Fig. 1); and the second plane is horizontal with respect to the interconnecting link (8' into 7' as shown in Figs. 5-7C, and from col. 2, line 66, "In this embodiment the chain, links can be swiveled relative to one another particularly in the horizontal direction").

As for Claim 15, Poll teaches of a chain link or an ornamental chain (necklace), comprising:

a first plurality of links (Fig. 1), each link of the first plurality having a first (5) and second hinge elements (8) that mate with other links and restrict articulation between the links to a plane vertical with respect to the links (Fig. 1);

a second plurality of links (Fig. 5), each link of the second plurality having first and second hinge elements (8' into 7' as shown in Figs. 5-7C) that mate with other links and restrict

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articulation between the links to a plane horizontal with respect to the links (from col. 2, line 66,

“In this embodiment the chain, links can be swiveled relative to one another particularly in the horizontal direction”); and

interconnecting links for connecting the first plurality of links to the second plurality of links, the interconnecting links comprising:

a first hinge element restricting articulation to the vertical plane (Fig. 1); and

a second hinge element restriction articulation to the horizontal plane (from col. 2, line 66, “In this embodiment the chain, links can be swiveled relative to one another particularly in the horizontal direction”); and

Examiner’s note: In view of the above, applicant is encouraged to read that from col. 4 beginning with line 36, stating that, “It is conceivable to join the links together using snap connections hinged to the mounting portion which can be engaged with the linking element. Any type of positive and frictional engagement is fundamentally conceivable,” giving way to the teaching of using different hinges between links to provide for different restrictive articulations all leading toward that stated in the beginning of col. 3, “when a certain rigidity is required, for example in necklaces.”)

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Conclusion

[4] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of jewelry item; as well as their extreme relevance to the current application as many read extensively onto the claimed invention: please see submitted notice of reference cited.


[5] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. **Please also note the change in the fax phone number to (571) 273-8300 for the organization where this application or proceeding is assigned.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,
David Reese
Assistant Examiner
Art Unit 3677

DCR


ROBERT J. SANDY
PRIMARY EXAMINER